

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
JAMES OWUSU,

Plaintiff,

- against -

CORONA TIRE SHOP, INC., and
MOHAMMAD NAWAZ,
jointly and severally

Defendants.
----- X

X

:

:

09-CV-3744

:

(NGG) (JO)

:

:

JOINT PRE-TRIAL ORDER

:

:

:

:

:

X

Appearance for Plaintiff:

Justice A. Zeller, Esq. (JZ 7094)
Law Office of Justin A. Zeller, P.C.
277 Broadway, Suite 408
New York, NY 10007
Tel: (212) 229-2249
Fax: (212) 229-2246

Appearance for Defendants:

Gerald M. Hertz, Esq. (GH 1505)
Azam & Hertz LLP
74-09 37th Avenue, Suite 303
Jackson Heights, NY 11372
Tel: (718) 672-8115
Fax: (718) 672-8117

A statement of stipulated facts (if any).

- 1) Plaintiff was an employee of Corona Tire Shop Inc.
- 2) For many weeks during Plaintiff's employment, Plaintiff worked over 40 hours per week.
- 3) During Plaintiff's employment, he was compensated at a set weekly rate for

days Monday through Saturday.

- 4) Plaintiff used the credit card machine at Corona Tire Shop during his employment.
- 5) Plaintiff was allowed one half-hour per day for a lunch break.
- 6) During Plaintiff's employment, Plaintiff worked most Sundays.

Schedules of exhibits to be offered in evidence. Only exhibits listed shall be offered in evidence except for good cause shown.

Plaintiff:

- Exhibit 1: Defendants' Answer to Request for Admissions;
- Exhibit 2: Defendants' Exhibit A, summarizing Plaintiff's weekly wage and hours worked, to their Response to Plaintiff's Discovery Requests;
- Exhibit 3: Defendants' Answer to Interrogatories;
- Exhibit 4: April 26, 2006 letter by Mohammad Nawaz
- Exhibit 5: Undated letter by Mohammad Nawaz stating Plaintiff's hours at 55 to 60 and Plaintiff's earnings as \$560 per week.

Defendants' Exhibits:

- Exhibit A: Defendants' answer to Plaintiff's Initial Disclosure.
- Exhibit B: Defendants' answer to Plaintiff's Request for Admissions.
- Exhibit C: Plaintiff's answer to Defendants' First Request for Interrogatories.
- Exhibit D: Patient Ledger of James Owusu by Michael Palmeri MD PLLC.
- Exhibit E: Report of Physicians Medical Rehabilitation regarding James Owusu.
- Exhibit F: Report of Dr. Richard J. Radna, M.D., Neurosurgery regarding James Owusu.
- Exhibit G: Report of Jacobi Medical Center regarding James Owusu.

Names and addresses of all witnesses, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except for good cause shown.

1. Plaintiff James Owusu:

1040 Anderson Avenue, Apt. 3E
Bronx, NY 10452

Mr. Owusu will testify that he indeed worked over 40 hours per week and was not compensated at the time and one half rate of his "regular rate" for the hours he worked over 40. Mr. Owusu will testify that he often used Defendants' credit card machine.

2. Mohammed Nawaz

Mr. Nawaz will testify that during his employment plaintiff was always paid time and a half when he worked more than 40 hours per week.

3. Mohammed Taj

Mr. Taj will testify that plaintiff was also paid time and a half when applicable. Also that plaintiff was absent each week for medical reasons.

Lists of depositions to be offered.

Deposition of Mohammad Nawaz (Defendant);
Deposition of James Owusu (Plaintiff) - pages 3 to 38.

Counsel for Plaintiff shall mail copies of this order to all parties upon receipt.

SO ORDERED.

NICHOLAS G. GARAUFIS, U. S. D. J.

DATED: June 8, 2010
Brooklyn, N.Y.